

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE SENATE BILL 1953 MANDATE (STATUTES OF 1994, C.740)
CALIFORNIA CODE OF REGULATIONS, TITLE 24,
PART 1 (Building Standards Administrative Code),
PART 2, (California Building Code)
REGULATIONS FOR SEISMIC RETROFIT OF HOSPITALS**

The Administrative Procedure Act requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

ADOPTIONS, AMENDMENTS, OR REPEALS:

Section (number):

The following sections of the Building Standards Administrative Code and the California Building Code are being submitted to comply with the legislative intent of the Alfred E. Alquist Hospital Facilities Seismic Safety Act:

PART 1, Chapter 6

Article 1

Section 1.3.1 (Revised)

Section 1.4.5.1 (Revised)

Section 1.4.5.1.1 (New)

Article 2

Section 2.0.1.2 (Revised)

Article 10

Section 10.1.5.2 (Revised)

Article 11

Section 11.2.1.1 (Revised)

PART 2, Chapter 16B

Section 1645B.3.1.4 (Revised)

Section 1645B.4 (Revised)

The purpose of this proposal is to submit regulation language that defines and clarifies the self-certification requirements for compliance with the Seismic Evaluation Procedure and Seismic Retrofit Regulations.

The public problem, administrative requirement, or other condition or circumstance that the (adoption, amendment, or repeal) is intended to address, and the specific purpose and rationale for necessity of the (adoption, amendment, or repeal).

The passage of Senate Bill 1953 (SB 1953, Statutes of 1994, C. 740) authorized the Office of Statewide Health Planning and Development (Office) to develop regulations for the seismic retrofit of general acute care hospitals and for the nonstructural upgrade of critical care areas to bring these facilities into compliance with the post-1973 building standards. The law deemed these regulations to be an emergency and they shall be adopted as such.

The purpose of SB 1953 is to ensure that by January 1, 2030 all licensed general acute care hospitals in California are compliant with the Alfred E. Alquist Hospital Facilities Seismic Safety Act (Alquist Act) and will be reasonably capable of providing services to the public after a seismic event. The Phase II, or Seismic Retrofit Regulations were mandated by the provisions of SB 1953, were deemed an emergency and approved as such in March of 1998. The proposed language defines and clarifies the anchorage and bracing requirements for compliance with the SB 1953 regulations in addition to further defining the types of facilities impacted by the regulations.

PART 1, CHAPTER 6

Article 1, Section 1.3.1

This section was revised to reference the proper regulation sections that had been previously renumbered.

Article 1, Section 1.4.5.1

This section was revised for editorial purposes, to reference the proper Chapter 16B designation for Division III-R.

Article 1, Section 1.4.5.1.1

This section was added to clarify the requirements for a hospital facility that makes its initial determination of seismic performance utilizing the seismic evaluation exemption provisions under Section 2.0.1.2.3 or 11.0.1.2.1, but then later decides to perform the seismic evaluation to revise the initial seismic performance category.

Article 2, Section 2.0.1.2

This section was revised to reference the proper regulation sections that had been previously renumbered.

Article 10, Section 10.1.5.2

This section was revised as the last sentence originally stated that “Conforming buildings that fail this check shall be placed in SPC 2.” This is inconsistent with the definition of “Conforming Buildings” which is defined as “...a building originally constructed in compliance with the requirements of the 1973 or subsequent edition of the California Building Code.” However, an SPC 2 building can only be a *nonconforming building*, i.e., a building built *prior* to 1973 and *not* in compliance with the 1973 or subsequent edition of the California Building Code. Therefore, the revision to “SPC 4” is the correct designation.

Article 11, Section 11.2.1.1

This section was revised to use the exact, corresponding terminology. In this instance, the term “system” had previously been amended to “supply” in Table 11.1, Nonstructural Performance Categories. It is necessary to make this same revision to Section 11.2.1.1 to maintain consistency within the regulations.

PART 2, Chapter 16B

Section 1645B.3.1.4 & Section 1645B.4.1

The revision was made to promote clarity. The reference to “Part 2, Title 24, California Code of Regulations, 1995 Edition” may be misinterpreted as a specific reference to only the 1995 Edition. The intent is for a general reference to the California Building Code; specifically, any future versions of the code that may be in effect at the time. Therefore, the specific reference to “1995 Edition” has been deleted to promote clarity.

AN IDENTIFICATION OF EACH TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT UPON WHICH THE AGENCY IS RELYING IN PROPOSING THE ADOPTION, AMENDMENT, OR REPEAL.

1. Office of Statewide Health Planning and Development, Policy Intent Notice (PIN) 28, “Change in Seismic Performance Category” (April 7, 2000)

ALTERNATIVES TO THE REGULATION

No alternatives were considered by the Office, as the proposed language constitutes a clarification of the legislative intent to the SB 1953 mandated regulation language.

ALTERNATIVES THE (AGENCY) HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

No alternatives were considered by the Office, as the proposed language constitutes a clarification of the legislative intent to the SB 1953 mandated regulations language.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The Office is not a department, board or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal and therefore does not issue regulatory language that is conflicting or duplicative of Federal Regulations.

EFFECT ON PRIVATE PERSONS

No alternative considered by the agency would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

SPECIFIC TECHNOLOGY OR EQUIPMENT

Not Applicable